

COMBINED DECLARATION AND POWER OF ATTORNEY

**ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)**

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for a continuation-in-part (C-I-P) application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

Systems and Methods for Characterizing a Biological Condition or Agent Using Calibrated Gene Expression Profiles

SPECIFICATION IDENTIFICATION

The specification was filed on March 29, 2001, as Serial No. 09/821,850.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the

same subject matter having a filing date before that of the application(s) of which priority is claimed.

Such applications have been filed as follows.

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. Section 119(e))

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/141,542	June 28, 1999
60/195,522	April 7, 2000

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
UNDER 35 U.S.C. SECTION 120

I hereby claim the benefit, under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. SECTION 120:				
U.S. APPLICATIONS		Status		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 09/605,581	28 JUN 00		X	
PCT APPLICATION DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NOS. ASSIGNED (IF ANY)		

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POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Harriet M. Strimpel	37,008
Bruce D. Sunstein	27,234
Robert M. Asher	30,445
Timothy M. Murphy	33,198
Steven G. Saunders	36,265
Karen A. Buchanan	37,790
Samuel J. Petuchowski	37,910
Jeffrey T. Klayman	39,250
John J. Stickevers	39,387
Herbert A. Newborn	42,031
Elizabeth P. Morano	42,904
Jean M. Tibbetts	43,193
Jay Sandvos	43,900
Sonia K. Guterman	44,729
Keith J. Wood	45,235
Yang Xu	45,243
Alton Hornsby, III	47,299
Alexander J. Smolenski	P47,953

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Harriet M. Strimpel
125 Summer Street
Boston, MA 02110
USA

Harriet M. Strimpel
617-443-9292

Customer Number 02101

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Michael P. Bevilacqua

Inventor's signature

Date May 17, 01

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Danute M. Bankaitis-Davis

Inventor's signature


Date 5/3/01

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Country of Citizenship U.S.

John C. Cheronis

Inventor's signature 

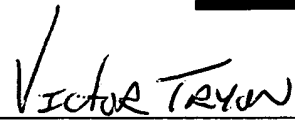
Date May 17.01

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Residence Conifer, CO

Post Office Address 24011 Pleasant Road, Conifer, CO 80433

Victor Tryon

Inventor's signature 

Date 5/3/01

Country of Citizenship U.S.

Residence Loveland, CO

Post Office Address 6770 SW 14th Street, Loveland, CO 80537



#5

Atty Dkt: 2331/112

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS -
SMALL BUSINESS CONCERN**

Inventor(s): Bevilacqua et al

Serial No: 09/821,850

Date Filed: March 29, 2001

For: SYSTEMS AND METHODS FOR CHARACTERIZING A BIOLOGICAL
CONDITION OR AGENT USING CALIBRATED GENE EXPRESSION
PROFILES

I hereby declare that I am an official of the following small business concern and am empowered to act on its behalf:

Source Precision Medicine, Inc.
2425 North 55th Street, Suite 111
Boulder, CO 80301

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the above-referenced invention.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor(s), who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the

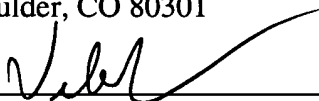
earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: VIKAS TIKU
~~John C. Cheronis, M.D., Ph.D.~~
Title of person signing: VP Finance and Operations
~~VP Drug Discovery and Development~~

Address of person signing: Source Precision Medicine, Inc.
2425 North 55th Street, Suite 111
Boulder, CO 80301

Signature:



Date:

May 17.07

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